IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application Nio. 711 of 2007
in
First Appeal Stamp NO.21524 of 2006

Shri Pralhad Udhav Vatmurge ..Petitioner

vs.

1. The New India Assurance Co. Ltd. and another ..Respondents

Shri T.J.Mendon for petitioner.
Shri S.R.Singh for respondent no.1

Shri S.R.Singh for appellants.

CORAM: S.B.MHASE AND
Smt.NISHITA MHATRE JJ.
5th February, 2007

P.C.

1. Heard both sides.

2. M.A.C.T. after having calculated the damages as stated in para 11 of the award has directed respondent no.1 to deposit the sum of Rs.23,19,619.00 in the Trial Court along with 6% interest from the date of application till the amount is paid. Accordingly respondent no.1 has deposited a sum of Rs.27,83,873/- in the Trial Court and Rs.25,000/- in the appeal Court. In the facts and circumstances of the case and looking to the injuries sustained and medical expenses which have already been

incurred we find that it will be appropriate to allow withdrawal of 50% at this stage without any condition. We, therefore, direct the Trial Court to releases 50% of the amount taking into consideration the amount of Rs.25,000/- is deposited in this Court. We also direct thatthe remaining amount be deposited in the fixed deposit with any Nationalised Bank initially for a period of 3 years and if the matter is not disposed of within a period of 3 years, office shall go on investing the said amount for a further period on year to year basis till final disposal of the matter.

3. Civil Application is disposed of.

(Smt.NISHITA MHATRE J.) **(S.B.MHASE J.)**